

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY TOLBERT,

Plaintiff,

v.

JOHN POTTER, POSTMASTER
GENERAL,

Defendant.

Case No. 03-74592

Honorable Nancy G. Edmunds

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

This matter came before the Court on Plaintiff's motion for reconsideration of this Court's June 2, 2005 opinion and order granting Defendant's motion for summary judgment.

Pursuant to Rule 7.1(g) of the Local Rules for the Eastern District of Michigan, a motion for reconsideration may be filed within ten days after the order to which it objects is issued. It should be granted if the movant demonstrates that the Court and the parties have been misled by a palpable defect and that a different disposition of the case must result from a correction of such palpable defect. A motion that merely presents the same issues already ruled upon by the Court shall not be granted.

Plaintiff's motion for reconsideration is DENIED because it offers previously considered arguments, attempts to relitigate previously considered issues, and attempts to supplement the record with previously available evidence. See *Basinger v. CSX Transp., Inc.*, No. 94-3908, 1996 WL 400182, at *3 (6th Cir. July 16, 1996) (where the Sixth

Circuit held it was "not an abuse of discretion for a district court to decline to consider a Rule 59(e) motion in which the movant attempts to submit evidence that was available at the time the movant was contesting a summary judgment motion")(citing *Emmons v. McLaughlin*, 874 F.2d 351, 358 (6th Cir. 1989); *Huff v. Metropolitan Life Ins. Co.*, 675 F.2d 119, 122-23 (6th Cir. 1982); *Lostumbo v. Bethlehem Steel, Inc.*, 8 F.3d 569, 570 (7th Cir. 1993); *School Dist. No. 1J, Multnomah County v. AC and S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *Committee for First Amendment v. Campbell*, 962 F.2d 1517, 1524 (10th Cir. 1992)(district court did not abuse its discretion in declining to consider previously available evidence submitted as attachment to motion to reconsider summary judgment)). See also *Waltman v. International Paper Co.*, 875 F.2d 468, 474 (5th Cir. 1989)(observing that party declining to offer evidence while motion for summary judgment is pending should not be allowed to "slip it into the record through the motion for reconsideration").

Being fully advised in the premises, having read the pleadings, and for the reasons set forth above, this Court DENIES Plaintiff's motion for reconsideration.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 20, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 20, 2005, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager